

EGS

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NICHOLAS BAYER,

:

: Chapter 7

15

1789

Debtor.

:

: Bky. No. 12-11083 ELF

:

:

JOHN LARSON and

:

GREG BAYER,

:

:

Plaintiffs,

:

:

v.

:

: Adv. No. 12-0379 ELF

NICHOLAS BAYER,

:

:

Defendant.

:

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JOINT NOTICE OF APPEAL

TO THE CLERK:

Notice is hereby given that Plaintiffs John Larson and Greg Bayer in the above named case, hereby appeal to the United States District Court for the Eastern District of Pennsylvania from the final order entered on the 23rd day of March, 2015. Form 17A is attached hereto, as well as the Order of the Honorable Eric L. Frank which is being appealed from.

cc:

Judge Frank.

U.S. District Court

M. Gigliotti, Esq

T. Mosser

Re Sweeney

P. Winterhater

M. Kaliner

U.S. Trustee

99

Respectfully,

A handwritten signature in black ink, appearing to read "Todd M. Mosser", with a stylized flourish at the end.

**TODD M. MOSSER, ESQUIRE**

Attorney ID 87534

2 Penn Center, Suite 1723

Philadelphia, PA 19102

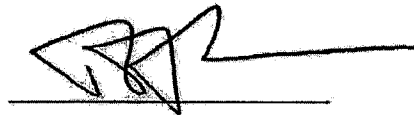
215-567-1220

todd@mosserlegal.com

Date: 4/1/15

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was served on all counsel of record via the e-filing system.

A handwritten signature in black ink, appearing to be 'T. Mosser', is written over a horizontal line.

Todd M. Mosser, Esquire

Date: 4/1/15

Official Form 17A (12/14)

United States Bankruptcy Court  
Eastern District of PAIN RE: Nicholas Bayer  
DebtorCh. 7  
Bky No. 12-11083  
ELFJohn Larson  
and

[Caption as in Form 16A, 16B, or 16D, as appropriate]

Greg Bayer

## NOTICE OF APPEAL AND STATEMENT OF ELECTION

v. Nicholas Bayer

Adv. No. 12-0379 ELF

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s): John Larson and Greg Bayer
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☒ Plaintiff☐ Defendant☐ Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor☐ Creditor☐ Trustee☐ Other (describe) \_\_\_\_\_**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: Order denying Plaintiff's Request to Appeal pursuant to BR 8002
2. State the date on which the judgment, order, or decree was entered: 3/23/15

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Greg Bayer Attorney: Paul Winterhalter, Esq.  
1717 Arch St.  
Suite 910  
Philadelphia, PA 19103

2. Party: \_\_\_\_\_ Attorney: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Official Form 17A (12/14)

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**


Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Date: 7/1/15

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

TODD MOSSEER  
2 Penn Center Suite 1703  
Philadelphia, PA 19102  
215-567-1220

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.



**DISPOAP, APPEAL**

**U.S. Bankruptcy Court  
Eastern District of Pennsylvania (Philadelphia)  
Adversary Proceeding #: 12-00379-elf**

*Assigned to:* Chief Judge Eric L. Frank

*Date Filed:* 05/10/12

*Lead BK Case:* [12-11083](#)

*Date Dismissed:* 06/27/12

*Lead BK Title:* Nicholas A. Bayer

*Lead BK Chapter:* 7

*Demand:*

*Nature[s] of Suit:* 67 Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny

***Plaintiff***

-----  
**Greg Bayer, individually and derivatively on  
behalf of Saxby's Coffee, Inc.**  
50 Highland Road  
Burr Ridge, IL 60527

represented by **MICHAEL P. GIGLIOTTI**

Cappio & Gigliotti, LLP  
2000 Spring Garden Street  
Suite 1F  
Philadelphia, PA 19130  
267-758-2540  
Fax : 267-758-2543  
Email: [cappioandgigliotti@gmail.com](mailto:cappioandgigliotti@gmail.com)

**TODD MICHAEL MOSSER**

The Law Office of Todd Mosser, PLLC  
2 Penn Center  
Suite 1723  
Philadelphia, PA 19102  
215 854 40140  
Email: [todd@mosserlegal.com](mailto:todd@mosserlegal.com)

**ROBERT D. SWEENEY**

111 West Washington Street  
Suite 1160  
Chicago, IL 60602  
312-384-0500  
Fax : 312-384-0600  
Email: [rsweeney@rds-law.net](mailto:rsweeney@rds-law.net)  
**LEAD ATTORNEY**

***Plaintiff***

-----  
**John Larson, individually and derivatively on** represented by **MICHAEL P. GIGLIOTTI**

***behalf of Saxby's Coffee, Inc.***

50 Highland Road  
Burr Ridge, IL 60527

(See above for address)

**TODD MICHAEL MOSSER**

(See above for address)

**ROBERT D. SWEENEY**

(See above for address)

*LEAD ATTORNEY*

V.

***Defendant***

**Nicholas A. Bayer**

2020 Walnut Street  
Apt. 20-B  
Philadelphia, PA 19103  
SSN / ITIN: xxx-xx-8200

represented by **TODD MICHAEL MOSSER**

(See above for address)

**PAUL J. WINTERHALTER**

Law Offices of Paul J Winterhalter,  
P.C.

1717 Arch Street

Suite 4110

Philadelphia, PA 19103

(215) 564-4119

Fax : (215) 564-5597

Email: [pwinterhalter@pjw-law.com](mailto:pwinterhalter@pjw-law.com)

*LEAD ATTORNEY*

<b>Filing Date</b>	<b>#</b>	<b>Docket Text</b>
05/10/2012	<u><a href="#">1</a></u> (6 pgs)	Adversary case 12-00379. Complaint by MICHAEL P. GIGLIOTTI on behalf of Greg Bayer, John Larson against Nicholas A. Bayer. Fee Amount \$293 . (67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (65 Dischargeability - Other)). (GIGLIOTTI, MICHAEL)***See Corrective Entry dated 5/11/2012*** Modified on 5/11/2012 (G., Jennifer). (Entered: 05/10/2012)
05/11/2012		Corrective Entry re: Removed Saxby's Coffee, inc as a Plaintiff per Complaint filed. Added Nature of Suit 65 Dischargeability - Other per complaint. (related document(s) <u><a href="#">1</a></u> ). (G., Jennifer) (Entered: 05/11/2012)
05/11/2012	<u><a href="#">2</a></u> (2 pgs)	1 Summons Issued to Plaintiff(s) to be served upon Defendant(s) Nicholas A. Bayer Date Issued



		5/11/2012, Answer Due 6/10/2012. (G., Jennifer) (Entered: 05/11/2012)
05/14/2012		Receipt of Complaint(12-00379-elf) [cmp,cmp] ( 293.00) Filing Fee. Receipt number 11894545. Fee Amount \$ 293.00. (U.S. Treasury) (Entered: 05/14/2012)
05/21/2012	<a href="#"><u>3</u></a> (1 pg)	*** Incorrect Entry *** Certificate of Service Filed by MICHAEL P. GIGLIOTTI on behalf of Greg Bayer, John Larson (related document(s) <a href="#"><u>1</u></a> ). (GIGLIOTTI, MICHAEL) Modified on 5/22/2012 (T., Jason). See Correct Entry #4 (Entered: 05/21/2012)
05/21/2012	<a href="#"><u>4</u></a> (1 pg)	Summons Service Executed on Nicholas A. Bayer 5/11/2012 . (T., Jason) (Entered: 05/22/2012)
06/11/2012	<a href="#"><u>5</u></a> (6 pgs; 2 docs)	*** Incorrect Entry *** Motion to Dismiss Adversary Proceeding <i>for the failure to properly plead or in the alternative for a more definitive statement of claim</i> Filed by Nicholas A. Bayer Represented by PAUL J. WINTERHALTER (Counsel). (Attachments: # <a href="#"><u>1</u></a> Proposed Order Granting Defendant's Motion to Dismiss Complaint) (WINTERHALTER, PAUL) Modified on 6/12/2012 (T., Jason). See Correct Entry #7 (Entered: 06/11/2012)
06/11/2012	<a href="#"><u>6</u></a> (2 pgs)	*** Incorrect Entry *** Notice of (related document(s): <a href="#"><u>5</u></a> Motion to Dismiss Adversary Proceeding <i>for the failure to properly plead or in the alternative for a more definitive statement of claim</i> ) Filed by Nicholas A. Bayer. Hearing scheduled 7/18/2012 at 10:00 AM at nix1 - courtroom #1. (WINTERHALTER, PAUL) Modified on 6/12/2012 (T., Jason). See Correct Entry #8 (Entered: 06/11/2012)
06/11/2012	<a href="#"><u>7</u></a> (6 pgs; 2 docs)	Motion to Dismiss Adversary Proceeding , or, in the alternative, Motion for More Definite Statement Filed by Nicholas A. Bayer Represented by PAUL J. WINTERHALTER (Counsel). (Attachments: # <a href="#"><u>1</u></a> Proposed Order) (T., Jason) (Entered: 06/12/2012)
06/11/2012	<a href="#"><u>8</u></a> (2 pgs)	Notice of (related document(s): <a href="#"><u>7</u></a> Motion to Dismiss Adversary Proceeding , or, in the alternative, Motion for More Definite Statement

		Filed by Nicholas A. Bayer Represented by PAUL J. WINTERHALTER) Filed by Nicholas A. Bayer. Hearing scheduled 7/18/2012 at 10:00 AM at nix1 - courtroom #1. (T., Jason) (Entered: 06/12/2012)
06/12/2012	<a href="#">9</a> (2 pgs)	Certificate of Service <i>for the Defendant's Motion to Dismiss Complaint for failure to allege fraud with specificity, failure to state a claim upon which any relief can be granted and for a more definitive statement of claim</i> Filed by PAUL J. WINTERHALTER on behalf of Nicholas A. Bayer (related document(s) <a href="#">7</a> ). (WINTERHALTER, PAUL) (Entered: 06/12/2012)
06/14/2012		Hearing on Motion to Dismiss Adversary Proceeding , or, in the alternative, Motion for More Definite Statement Filed by Nicholas A. Bayer Represented by PAUL J. WINTERHALTER filed by Defendant Nicholas A. Bayer Cancelled. Reason for Cancellation: scheduled in error. (related document(s) <a href="#">7</a> ). (B., Pamela) (Entered: 06/14/2012)
06/27/2012	<a href="#">10</a> (2 pgs)	Order Granting (related document(s) <a href="#">7</a> Motion to Dismiss Adversary Proceeding , or, in the alternative, Motion for More Definite Statement Filed by Nicholas A. Bayer Represented by PAUL J. WINTERHALTER). It is ORDERED that the relief sought by the Motion is Granted and the Plaintiff's Complaint is Dismissed Without Prejudice. Plaintiff is GRANTED LEAVE to file an Amended Complaint on or before 7/13/2012. (T., Jason) (Entered: 06/27/2012)
06/29/2012	<a href="#">11</a> (4 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">10</a> )). No. of Notices: 5. Notice Date 06/29/2012. (Admin.) (Entered: 06/30/2012)
07/11/2012	<a href="#">12</a> (7 pgs)	*** Incorrect Entry *** Amended Document <i>Amended Adversary Complaint Objecting to Discharge Pursuant to 11 U.S.C. 523(a)(2) and 11 U.S.C. 523(a)(4)</i> Filed by MICHAEL P. GIGLIOTTI on behalf of Greg Bayer, John Larson (related document(s) <a href="#">1</a> ). (GIGLIOTTI, MICHAEL) Modified on 7/12/2012 (T., Jason). See Correct Entry #15 (Entered: 07/11/2012)
07/11/2012		

	<a href="#"><u>13</u></a> (29 pgs)	*** Incorrect Entry *** Exhibit <i>A to Amended Adversary Complaint Objecting to Discharge Pursuant to 11 U.S.C. 523 (a)(2) and U.S.C. 523 (a)(4)</i> Filed by MICHAEL P. GIGLIOTTI on behalf of Greg Bayer, John Larson (related document(s) <a href="#"><u>12</u></a> ). (GIGLIOTTI, MICHAEL) Modified on 7/12/2012 (T., Jason). See Correct Entry #15 (Entered: 07/11/2012)
07/11/2012	<a href="#"><u>14</u></a> (2 pgs)	*** Incorrect Entry *** Certificate of Service Filed by MICHAEL P. GIGLIOTTI on behalf of Greg Bayer, John Larson (related document(s) <a href="#"><u>12</u></a> , <a href="#"><u>13</u></a> ). (GIGLIOTTI, MICHAEL) Modified on 7/12/2012 (T., Jason). See Correct Entry #15 (Entered: 07/11/2012)
07/11/2012	<a href="#"><u>15</u></a> (38 pgs; 4 docs)	Amended Complaint by MICHAEL P. GIGLIOTTI on behalf of Greg Bayer , John Larson against Nicholas A. Bayer . (related document(s) <a href="#"><u>1</u></a> ). (Attachments: # <a href="#"><u>1</u></a> Cover Sheet# <a href="#"><u>2</u></a> Exhibit "A"# <a href="#"><u>3</u></a> Certificate of Service) (T., Jason) (Entered: 07/12/2012)
07/12/2012	<a href="#"><u>16</u></a> (2 pgs)	Alias Summons Issued to Plaintiff(s) to be served upon Defendant(s) Nicholas A. Bayer Date Issued 7/12/2012, Answer Due 8/11/2012. (T., Jason) (Entered: 07/12/2012)
08/09/2012	<a href="#"><u>17</u></a> (6 pgs)	Answer to Complaint <i>objecting to Dischargeability of alleged debt claimed due by John Larson and Greg Bayer pursuant to 11 U.S.C. Section 523(a) (2) and 523(a)(4)</i> Filed by Nicholas A. Bayer. (WINTERHALTER, PAUL) (Entered: 08/09/2012)
08/10/2012	<a href="#"><u>18</u></a> (2 pgs)	Certificate of Service <i>for the Defendant's Answer to Complaint Objecting to Dischargeability of Alleged Debt</i> Filed by PAUL J. WINTERHALTER on behalf of Nicholas A. Bayer (related document(s) <a href="#"><u>17</u></a> ). (WINTERHALTER, PAUL) (Entered: 08/10/2012)
08/21/2012	19	Telephone Pretrial Conferences Held on (related document(s) <a href="#"><u>1</u></a> Complaint by MICHAEL P. GIGLIOTTI on behalf of Greg Bayer, John Larson against Nicholas A. Bayer). Orders to be entered in 12-379, 12-392, 12-393, 12-500, with the exception of 12-378. (T., Jason) (Entered: 08/23/2012)

08/23/2012	<a href="#">20</a> (2 pgs)	Pre-Trial Order Entered. The Plaintiff having filed an adversary proceeding and the Court having held a pretrial conference on 8/21/2012, and the parties agreeing that the pretrial schedule in the above adversary proceeding should be the same as that already established in Adversary No. 12-0378. It is hereby ORDERED that the following discovery and trial schedule apply in this adversary proceeding as follows: Pre-Trial Conference scheduled 1/17/2013 at 01:00 PM at nix1 - courtroom #1. Joint Pre-Trial Statement due by 1/11/2013. Motions Due by 12/14/2012. Discovery due by 10/26/2012. All trial exhibits shall be pre-marked and exchanged at least three (3) business days prior to the date of trial. In addition, a full set of exhibits shall be prepared and provided to the Court at the commencement of the trial. (T., Jason) (Entered: 08/24/2012)
08/26/2012	<a href="#">21</a> (4 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">20</a> )). No. of Notices: 5. Notice Date 08/26/2012. (Admin.) (Entered: 08/27/2012)
01/11/2013	<a href="#">22</a> (16 pgs)	Joint Pre-Trial Statement Filed by MICHAEL P. GIGLIOTTI, PAUL J. WINTERHALTER on behalf of Greg Bayer, Nicholas A. Bayer, John Larson. (WINTERHALTER, PAUL) (Entered: 01/11/2013)
01/17/2013	23	Pretrial Conference Held. (P., Paul) (Entered: 01/18/2013)
01/17/2013	<a href="#">24</a> (2 pgs)	Pre-Trial Order #3. Pre-Trial Conference scheduled 6/20/2013 at 01:00 PM at nix1 - courtroom #1. Trial scheduled 7/22/2013 at 09:00 AM at nix1 - courtroom #1. Each party may file, no later than five (5) days prior to the date of the trial, a trial memorandum with service on the opposing parties and a courtesy copy delivered to chambers. All trial exhibits shall be pre-marked and exchanged at least seven (7) days prior to the date of trial. The trial may be continued only in exceptional circumstances on motion and leave of court. (P., Paul) (Entered: 01/18/2013)
01/20/2013	<a href="#">25</a> (4 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">24</a> )). No. of

		Notices: 3. Notice Date 01/20/2013. (Admin.) (Entered: 01/21/2013)
05/23/2013	26	Conference Call Held. Telephone conference held in adversary proceedings and Chapter 11 Trustee's Objection to Proof of Claim of Marshall Katz; amended pretrial orders to be entered. (P., Paul) (Entered: 05/24/2013)
05/24/2013	<a href="#">27</a> (2 pgs)	Pre-Trial Order #4. It is hereby ordered that pretrial order #3 is amended as set forth below: 1. Pre-Trial Conference scheduled 9/19/2013 at 01:00 PM at nix1 - courtroom #1. 2. Trial scheduled 9/23/2013 at 09:00 AM at nix1 - courtroom #1. 3. Each party may file, no later than five (5) days prior to the date of trial memorandum with service on the opposing parties and a courtesy copy delivered to chambers. 4. All trial exhibits shall be pre-marked and exchanged at least seven (7) days to the date of trial. 5. The trial may be continued only in exceptional circumstances on motion and leave of court. (P., Paul) (Entered: 05/24/2013)
05/26/2013	<a href="#">28</a> (4 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">27</a> )). No. of Notices: 3. Notice Date 05/26/2013. (Admin.) (Entered: 05/27/2013)
08/29/2013	<a href="#">29</a> (2 pgs)	Pre-Trial Order #5: It is hereby ordered that pretrial order #4 is amended, as set forth below: 1. The final pretrial/settlement conference scheduled on September 19, 2013 is continued pending further order. 2. The trial scheduled to commence on September 23, 2013 is continued pending further order. 3. A telephone status conference is scheduled on October 10, 2013 at 2:00pm. The parties shall use the court's conference line, unless more than five attorneys intend to participate, in which case the plaintiff shall be responsible for hosting the conference call and providing the access information to the courtroom deputy. (P., Paul) (Entered: 08/30/2013)
08/29/2013	30	Telephone Conference Call Held. Telephone conference held in adversary proceedings and Chapter 11 Trustee Objection to Proof of Claim of Marshall Katz; amended pretrial orders to be entered. (P., Paul) (Entered: 08/30/2013)

09/01/2013	<a href="#">31</a> (4 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">29</a> )). No. of Notices: 6. Notice Date 09/01/2013. (Admin.) (Entered: 09/02/2013)
09/03/2013	32	Conference Call. Conference Call scheduled 10/10/2013 at 02:00 PM at nix1 - courtroom #1. (P., Paul) (Entered: 09/03/2013)
09/13/2013	<a href="#">33</a> (3 pgs)	Order Re: It is hereby ordered and determined that: 1. Any motion to withdraw as counsel shall be filed on or before September 20, 2013. 2. If such a motion is timely filed, it shall be heard on October 10, 2013 in Bankruptcy Courtroom No. 1, 900 Market Street, Philadelphia, PA. 3. If such a motion is not timely filed, the appearance of both Gigliotti (personally) and KF&A shall remain in effect and both KF&A and J&M shall be considered to be the plaintiff's co-counsel. (P., Paul) (Entered: 09/13/2013)
09/15/2013	<a href="#">34</a> (4 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">33</a> )). No. of Notices: 6. Notice Date 09/15/2013. (Admin.) (Entered: 09/16/2013)
09/20/2013	<a href="#">35</a> (3 pgs)	Amended Order: It is hereby ordered that: 1. Any motion to withdraw as counsel shall be filed on or before September 20, 2013. 2. If such a motion is timely filed, it shall be heard on October 10, 2013am in bankruptcy courtroom no. 1, 900 Market Street, Philadelphia, PA. 3. If such a motion is not timely filed, the appearance of both Gigliotti and KF&A shall remain in effect and both KF&A abd J&M shall be considered to be plaintiff's co-counsel. (related document(s) <a href="#">33</a> ). (P., Paul) (Entered: 09/20/2013)
09/20/2013	<a href="#">36</a> (7 pgs; 3 docs)	Motion to Withdraw as Attorney Filed by Greg Bayer, John Larson Represented by MICHAEL P. GIGLIOTTI (Counsel). (Attachments: # <a href="#">1</a> Proposed Order # <a href="#">2</a> Service List) (GIGLIOTTI, MICHAEL) (Entered: 09/20/2013)
09/20/2013	<a href="#">37</a> (2 pgs)	Notice of (related document(s): <a href="#">36</a> Motion to Withdraw as Attorney ) Filed by Greg Bayer, John Larson. Hearing scheduled 10/10/2013 at 01:00 PM

		at nix1 - courtroom #1. (GIGLIOTTI, MICHAEL) (Entered: 09/20/2013)
09/22/2013	<a href="#">38</a> (4 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">35</a> )). No. of Notices: 6. Notice Date 09/22/2013. (Admin.) (Entered: 09/23/2013)
09/25/2013	<a href="#">39</a> (2 pgs)	Order Scheduling Hearing re: <a href="#">36</a> And now it is hereby ordered that: 1. The hearing on the motion to withdraw as counsel filed by MICHAEL GIGLIOTTI, self-scheduled for October 10, 2013, 1:00pm is rescheduled to 10:00am in bankruptcy courtroom number 1. 2. MICHAEL GIGLIOTTI shall provide written notice of time of the hearing to plaintiff Larson and plaintiff Bayer and to file a certification of service therefore prior to October 10, 2013. 3. The telephone conference call scheduled for October 10, 2013 , 2:00pm is rescheduled to 10:00am, at which time the court expects to schedule the above-captioned adversary proceedings for trial. 4. An authorized representative of Kashkashian & Associates shall appear at the hearing on October 10, 2013 at 10:00am. 5. If MICHAEL GIGLIOTTI motion to withdraw as counsel is granted, the appearance of Kashkashian & Associates for the plaintiffs shall remain in full force and effect and Kashkashian & associates will be expected to comply with all scheduling orders, including any such orders entered as a result of the October 10, 2013 telephone conference. Hearing scheduled 10/10/2013 at 10:00 AM at nix1 - courtroom #1. (P., Paul) (Entered: 09/26/2013)
09/26/2013	40	Conference Call. Hearing scheduled 10/10/2013 at 10:00 AM at nix1 - courtroom #1. (P., Paul) (Entered: 09/26/2013)
09/28/2013	<a href="#">41</a> (3 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">39</a> )). No. of Notices: 3. Notice Date 09/28/2013. (Admin.) (Entered: 09/29/2013)
10/09/2013	<a href="#">42</a> (2 pgs)	Praecipe to Withdraw <i>Motion to Withdraw as Counsel</i> Filed by MICHAEL P. GIGLIOTTI on behalf of Greg Bayer, John Larson (related



		document(s) <a href="#">36</a> ). (GIGLIOTTI, MICHAEL) (Entered: 10/09/2013)
10/10/2013	43	Hearing Held on related document <a href="#">36</a> Motion to Withdraw as Attorney . -withdrawn- (W., Yvette) (Entered: 10/11/2013)
10/10/2013	44	Conference Call Held (related document(s) 40 ). Telephonic pretrial conference held and concluded. Trial scheduled for 12/12/13 and 12/13/13 at 9:00am on both days. (P., Paul) (Entered: 10/15/2013)
10/15/2013	<a href="#">45</a> (1 pg)	Trial (related document(s) <a href="#">1</a> ). Trial scheduled 12/12/2013 at 09:00 AM at nix1 - courtroom #1. Trial scheduled for 12/12/13 and 12/13/13 at 9:00am both days (P., Paul) (Entered: 10/15/2013)
10/15/2013	<a href="#">46</a> (1 pg)	Trial (related document(s) <a href="#">1</a> ). Trial scheduled 12/13/2013 at 09:00 AM at nix1 - courtroom #1. Trial scheduled for 12/12/13 and 12/13/13 at 9:00am on both days. (P., Paul) (Entered: 10/15/2013)
10/17/2013	<a href="#">47</a> (2 pgs)	BNC Certificate of Mailing - Trial. Number of Notices Mailed: (related document(s) (Related Doc # <a href="#">45</a> )). No. of Notices: 3. Notice Date 10/17/2013. (Admin.) (Entered: 10/18/2013)
10/17/2013	<a href="#">48</a> (2 pgs)	BNC Certificate of Mailing - Trial. Number of Notices Mailed: (related document(s) (Related Doc # <a href="#">46</a> )). No. of Notices: 3. Notice Date 10/17/2013. (Admin.) (Entered: 10/18/2013)
12/10/2013	<a href="#">49</a> (9 pgs; 4 docs)	Motion to Appear pro hac vice on behalf of Robert D. Sweeney Filed by Greg Bayer, John Larson Represented by MICHAEL P. GIGLIOTTI (Counsel). (Attachments: # <a href="#">1</a> Exhibit Declaration of Robert D. Sweeney # <a href="#">2</a> Proposed Order # <a href="#">3</a> Service List) (GIGLIOTTI, MICHAEL) (Entered: 12/10/2013)
12/12/2013	50	Trial Held (related document(s), <a href="#">46</a> , <a href="#">45</a> ). Hearing held and concluded on 12/13/13. Matter taken under advisement. Order entered. (P., Paul) (Entered: 12/16/2013)
12/13/2013		



	<a href="#">51</a> (2 pgs)	Order Re: It is hereby ordered that: 1. Plaintiffs shall file a proposed findings of fact and conclusions of law (with citations to the record in support of the proposed findings of fact) and a supporting memorandum of law on or before 28 days following the docket of the notes of testimony. 2. Defendants shall file proposed findings of fact and conclusions of law (with citations to the record in support of the proposed findings of fact) and a supporting memorandum of law on or before 14 days after the filing of plaintiffs' initial submission. 3. Plaintiffs may file a reply memorandum on or before 7 days after the filing of defendants' initial submission. 4. Defendants may file a reply memorandum on or before 7 days after the filing of plaintiffs' reply memorandum. (P., Paul) (Entered: 12/16/2013)
12/18/2013	<a href="#">52</a> (3 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">51</a> )). No. of Notices: 2. Notice Date 12/18/2013. (Admin.) (Entered: 12/19/2013)
01/02/2014	<a href="#">53</a> (1 pg)	Status Letter requesting \$40.00 fee for Motion to Appear Pro Hac Vice (related document(s) <a href="#">49</a> ). (P., Paul) (Entered: 01/02/2014)
01/04/2014	<a href="#">54</a> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">53</a> )). No. of Notices: 2. Notice Date 01/04/2014. (Admin.) (Entered: 01/05/2014)
01/07/2014		Installment payment in the amount of: \$40.00 (related document(s): Motion to Appear pro hac vice on behalf of Robert D. Sweeney filed by Plaintiff John Larson, Plaintiff Greg Bayer) Filed by MICHAEL P. GIGLIOTTI on behalf of Greg Bayer, John Larson (related document(s) <a href="#">49</a> ). (GIGLIOTTI, MICHAEL) (Entered: 01/07/2014)
01/07/2014		Receipt of Installment Payment via Credit Card(12-00379-elf) [misc,atyinst] ( 40.00) Filing Fee. Receipt number 14384874. Fee Amount \$ 40.00. (re: Doc# ) (U.S. Treasury) (Entered: 01/07/2014)
01/23/2014	55	\$40.00 fee paid for motion to appear pro hac vice, receipt number PPE94914 (related document(s) <a href="#">49</a> ). (P., Paul) (Entered: 01/24/2014)

01/27/2014	<a href="#">56</a> (1 pg)	Order Granting Motion To Appear pro hac vice to admit ROBERT D SWEENEY (Related Doc # <a href="#">49</a> ) (P., Paul) (Entered: 01/29/2014)
01/31/2014	<a href="#">57</a> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">56</a> )). No. of Notices: 3. Notice Date 01/31/2014. (Admin.) (Entered: 02/01/2014)
02/21/2014	<a href="#">58</a> (258 pgs; 2 docs)	Transcript regarding Hearing Held on 12/12/13 (257 pgc WC) The transcript may be viewed at the Bankruptcy Court Clerk's Office. [For information about how to contact the transcriber, call the Clerk's Office] (related document(s) 50 ). Notice of Intent to Request Redaction Deadline Due By 2/28/2014. Redaction Request Due By 3/14/2014. Redacted Transcript Submission Due By 3/24/2014. Transcript access will be restricted through 5/22/2014. (C., Christopher) (Entered: 02/21/2014)
02/21/2014	<a href="#">59</a> (139 pgs; 2 docs)	Transcript regarding Hearing Held 12/13/13 (138 pgs WC) The transcript may be viewed at the Bankruptcy Court Clerk's Office. [For information about how to contact the transcriber, call the Clerk's Office] (related document(s) 50 ). Notice of Intent to Request Redaction Deadline Due By 2/28/2014. Redaction Request Due By 3/14/2014. Redacted Transcript Submission Due By 3/24/2014. Transcript access will be restricted through 5/22/2014. (C., Christopher) (Entered: 02/21/2014)
03/12/2014	<a href="#">60</a> (2 pgs)	Order Re: And Now, the trial transcript having been docketed on February 21, 2014, It is hereby ordered that: 1. Plaintiff's shall file proposed findings of fact and conclusions of law (with citations to the record in support of the proposed findings of fact) and a supporting memorandum of law on or before March 24, 2014 following the docketing of the notes of testimony. 2. Defendants shall file a proposed findings of fact and conclusions of law (with citations to the record in support of the postponed findings of fact) and a supporting memorandum of law on or before April 7, 2014. 3. Plaintiffs may file a reply memorandum on or before April 14, 2014. 4. Defendants may file a Reply Memorandum on or before April 21, 2014. (P., Paul) (Entered: 03/12/2014)

03/14/2014	<a href="#">61</a> (3 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">60</a> )). No. of Notices: 3. Notice Date 03/14/2014. (Admin.) (Entered: 03/15/2014)
03/18/2014	<a href="#">62</a> (6 pgs; 3 docs)	Motion to Extend time to 7 day extension to file post-trial submissions Filed by Greg Bayer, John Larson Represented by MICHAEL P. GIGLIOTTI (Counsel). (Attachments: # <a href="#">1</a> Proposed Order # <a href="#">2</a> Service List) (GIGLIOTTI, MICHAEL) (Entered: 03/18/2014)
03/20/2014	<a href="#">63</a> (2 pgs)	Order Granting Motion to Extend Time (Related Doc # <a href="#">62</a> ). It is hereby ordered that: 1. Plaintiffs shall file proposed findings of fact and conclusions of law and supporting memorandum of law on or before March 31, 2014. 2. Defendants shall file proposed findings of fact and conclusions of law and supporting memorandum of law on or before April 14, 2014. 3. Plaintiff's may file a reply memorandum on or before April 21, 2014. 4. Defendants may file a reply memorandum on or before April 28, 2014. (P., Paul) (Entered: 03/24/2014)
03/26/2014	<a href="#">64</a> (3 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">63</a> )). No. of Notices: 3. Notice Date 03/26/2014. (Admin.) (Entered: 03/27/2014)
04/15/2014	<a href="#">65</a> (2 pgs)	Order to Appear and Show Cause why plaintiffs should not be prohibited from making a post-trial submission in support of their position. Hearing scheduled 4/23/2014 at 10:00 AM at nix1 - courtroom #1. (P., Paul) (Entered: 04/15/2014)
04/17/2014	<a href="#">66</a> (3 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">65</a> )). No. of Notices: 3. Notice Date 04/17/2014. (Admin.) (Entered: 04/18/2014)
04/23/2014	67	Show Cause Hearing Held. Order entered. (P., Paul) (Entered: 04/24/2014)
04/23/2014	<a href="#">68</a> (2 pgs)	Order Re: And Now, following a hearing held on April 23, 2014 it is hereby ordered that: 1. Plaintiffs shall file proposed findings of fact and conclusions of law (with citations to the record in support of the

		proposed findings of fact) and a supporting memorandum of law on or before April 28, 2014 following the docketing of the notes of testimony. 2. Defendants shall file a proposed findings of fact and conclusions of law (with citations to the record in support of the proposed findings of fact) and a supporting memorandum of law on or before May 12, 2014. No reply memoranda may be filed. (P., Paul) (Entered: 04/24/2014)
04/26/2014	<a href="#">69</a> (3 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">68</a> )). No. of Notices: 2. Notice Date 04/26/2014. (Admin.) (Entered: 04/27/2014)
04/28/2014	<a href="#">70</a> (11 pgs)	Brief <i>Plaintiff's Post Trial Submission</i> Filed by MICHAEL P. GIGLIOTTI on behalf of Greg Bayer, John Larson (related document(s) <a href="#">68</a> ). (GIGLIOTTI, MICHAEL) (Entered: 04/28/2014)
05/12/2014	<a href="#">71</a> (13 pgs)	Opposition Brief of <i>Nicholas A. Bayer</i> Filed by PAUL J. WINTERHALTER on behalf of Nicholas A. Bayer (related document(s) <a href="#">68</a> ). (WINTERHALTER, PAUL) (Entered: 05/12/2014)
12/02/2014	<a href="#">72</a> (36 pgs)	Opinion and Order In Re: Sale of Assets to Saxby's Coffe Worldwide, LLC (P., Paul) Modified on 12/3/2014 (P., Paul). (Entered: 12/03/2014)
12/02/2014	<a href="#">73</a> (1 pg)	Judgment Entered Against: Plaintiffs John Larson and Greg Bayer in the amount of: and In Favor of: Defendant, Nicholas Bayer as Ordered by Judge: Honorable Eric L. Frank (related document(s) <a href="#">72</a> ). Ordered and determined that: 1. Judgment is entered in favor of the defendant Nicholas Bayer and against the plaintiffs John Larson and Greg Bayer under 11 USC 523(a)(2), (4) and (6). 2. Any debt owed by debtor Nichaols Bayer arising from his conduct as an officer and director of Saxby's Coffee, Inc. in connection with the sale of its assets to Saxby's Coffee Worldwide, LLC in 2007 is determined to be dischargeable. (P., Paul) (Entered: 12/03/2014)
12/05/2014		***incorrect entry***Disposition of Adversary 2:12-ap-379 Default Judgment (related document(s) <a href="#">15</a> , <a href="#">1</a> ). (P., Paul) Modified on 12/9/2014 (P., Paul). (Entered: 12/05/2014)

12/05/2014	<a href="#">74</a> (37 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">72</a> )). No. of Notices: 5. Notice Date 12/05/2014. (Admin.) (Entered: 12/06/2014)
12/05/2014	<a href="#">75</a> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">73</a> )). No. of Notices: 5. Notice Date 12/05/2014. (Admin.) (Entered: 12/06/2014)
12/09/2014		***corrected entry***Disposition of Adversary 2:12-ap-379 Judgment Entered In Favor Of Defendant and Against Plaintiff. (P., Paul) (Entered: 12/09/2014)
01/06/2015	<a href="#">76</a> (44 pgs)	First Motion for Leave to Appeal Filed by Greg Bayer, John Larson Represented by TODD MICHAEL MOSSER (Counsel). (MOSSER, TODD) (Entered: 01/06/2015)
01/06/2015	<a href="#">77</a> (48 pgs)	First Motion for Leave to Appeal <i>corrected motion</i> Filed by Greg Bayer, John Larson Represented by TODD MICHAEL MOSSER (Counsel). (MOSSER, TODD) (Entered: 01/06/2015)
01/07/2015	<a href="#">78</a> (1 pg)	Order Scheduling Hearing re: <a href="#">77</a> First Motion for Leave to Appeal <i>corrected motion</i> Filed by Greg Bayer, John Larson Represented by TODD MICHAEL MOSSER (Counsel). It is hereby ordered that: 1. Any response to the motion shall be filed on or before January 16, 2015. 2. The defendant is Granted leave to take expedited discovery. The plaintiffs shall respond to any interrogatories or request for production of documents that the defendant may serve within four (4) business days after service. Upon the defendant's request, if any, the Plaintiffs shall make themselves available for a deposition on an expedited basis. 3. An evidentiary hearing on the motion is scheduled on the motion on January 30, 2015 at 11:00am, in bankruptcy courtroom no. 1, 900 Market Street, Philadelphia, PA. (P., Paul) (Entered: 01/07/2015)
01/09/2015	<a href="#">79</a> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">78</a> )). No. of Notices: 2. Notice Date 01/09/2015. (Admin.) (Entered: 01/10/2015)

01/15/2015	<a href="#">80</a> (8 pgs; 2 docs)	Response to Motion for Leave to Appeal filed by Plaintiff John Larson, Plaintiff Greg Bayer <i>opposing relief sought</i> Filed by Nicholas A. Bayer (related document(s) <a href="#">77</a> ). (Attachments: # <a href="#">1</a> Proposed Order Denying Plaintiffs' Motion to Extend Time to File Appeal for Excusable Neglect pursuant to Bankruptcy Rule 8002(d)(1)(B)) (WINTERHALTER, PAUL) (Entered: 01/15/2015)
01/15/2015	<a href="#">81</a> (2 pgs)	Certificate of Service <i>for Defendant's Response in Opposition to Plaintiff's Motion to Extend Time to File Appeal Pursuant to Bankruptcy Rule 8002(d)(1)(B)</i> Filed by PAUL J. WINTERHALTER on behalf of Nicholas A. Bayer (related document(s) <a href="#">80</a> ). (WINTERHALTER, PAUL) (Entered: 01/15/2015)
01/30/2015	82	Hearing Held on <a href="#">77</a> First Motion for Leave to Appeal <i>corrected motion</i> Filed by Greg Bayer, John Larson Represented by TODD MICHAEL MOSSER (Counsel). filed by Plaintiff John Larson, Plaintiff Greg Bayer (related document(s) <a href="#">77</a> ). Order entered. (P., Paul) (Entered: 01/30/2015)
01/30/2015	<a href="#">83</a> (1 pg)	Order Re: First Motion for Leave to Appeal <i>corrected motion</i> filed by Plaintiff John Larson, Plaintiff Greg Bayer (related document(s) <a href="#">77</a> ). It is hereby ordered that: 1. Plaintiff's post-hearing memorandum shall be filed on or before February 13, 2015. 2. Defendant's post hearing memorandum shall be filed on or before February 27, 2015. 3. No further post-hearing submission shall be made absent leave of court. (P., Paul) (Entered: 01/30/2015)
02/01/2015	<a href="#">84</a> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">83</a> )). No. of Notices: 2. Notice Date 02/01/2015. (Admin.) (Entered: 02/02/2015)
02/13/2015	<a href="#">85</a> (20 pgs)	First Response to Response filed by Defendant Nicholas A. Bayer <i>Memo of Law</i> Filed by Greg Bayer, John Larson (related document(s) <a href="#">80</a> ). (MOSSER, TODD) (Entered: 02/13/2015)
02/27/2015	<a href="#">86</a> (8 pgs)	Brief of Debtor/Defendant Nicholas Bayer in <i>Opposition to Relief sought by Plaintiffs seeking to Extend Time to File Appeal</i> Filed by PAUL J.

		WINTERHALTER on behalf of Nicholas A. Bayer (related document(s) <a href="#">83</a> ). (WINTERHALTER, PAUL) (Entered: 02/27/2015)
03/02/2015	<a href="#">87</a> (1 pg)	Transcript regarding Hearing Held on 1-30-15 ( 44 pgs TL ) The transcript may be viewed at the Bankruptcy Court Clerk's Office. [For information about how to contact the transcriber, call the Clerk's Office] (related document(s) <a href="#">83</a> , 82 ). Notice of Intent to Request Redaction Deadline Due By 3/9/2015. Redaction Request Due By 3/23/2015. Redacted Transcript Submission Due By 4/2/2015. Transcript access will be restricted through 5/31/2015. (C., Christopher) (Entered: 03/02/2015)
03/02/2015	<a href="#">88</a> (2 pgs)	Certificate of Service <i>for Defendant's Post Hearing Memorandum of Law in Opposition to Plaintiff's Motion to Extend Time to File Appeal</i> Filed by PAUL J. WINTERHALTER on behalf of Nicholas A. Bayer (related document(s) <a href="#">86</a> ). (WINTERHALTER, PAUL) (Entered: 03/02/2015)
03/23/2015	<a href="#">89</a> (23 pgs)	Opinion Re: Motion for Leave to Appeal filed by Plaintiff John Larson, Plaintiff Greg Bayer (related document(s) <a href="#">77</a> ). (P., Paul) (Entered: 03/23/2015)
03/23/2015	<a href="#">90</a> (1 pg)	Order Denying Motion For Leave to Appeal (Related Doc # <a href="#">77</a> ). After an evidentiary hearing, and for the reasons set forth in the accompanying opinion, it is hereby ordered that the motion is denied. (P., Paul) (Entered: 03/23/2015)
03/23/2015	<a href="#">91</a> (1 pg)	****incorrect entry****Order Re: Opinion (without order) (related document(s) <a href="#">89</a> ). And now to a clerical error on page one of the opinion dated March 23, 2015, (doc. #89), the clerk of the court is directed to remove page one and substitute it with the accompanying page to this order. (P., Paul) Modified on 3/23/2015 (P., Paul). (Entered: 03/23/2015)
03/23/2015	<a href="#">92</a> (23 pgs)	Opinion Re: Motion for Leave to Appeal filed by Plaintiff John Larson, Plaintiff Greg Bayer (related document(s) <a href="#">77</a> ). Includes corrected page 1. (P., Paul) (Entered: 03/23/2015)
03/23/2015	<a href="#">93</a> (2 pgs)	Order Re:Opinion (without order) (related document(s) <a href="#">89</a> ). And now to a clerical error on



		page one of the opinion dated March 23, 2015, (doc. #89), the clerk of the court is directed to remove page one and substitute it with the accompanying page to this order. (P., Paul) (Entered: 03/23/2015)
03/25/2015	<a href="#">94</a> (24 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">89</a> )). No. of Notices: 2. Notice Date 03/25/2015. (Admin.) (Entered: 03/26/2015)
03/25/2015	<a href="#">95</a> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">90</a> )). No. of Notices: 2. Notice Date 03/25/2015. (Admin.) (Entered: 03/26/2015)
03/25/2015	<a href="#">96</a> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">91</a> )). No. of Notices: 2. Notice Date 03/25/2015. (Admin.) (Entered: 03/26/2015)
03/25/2015	<a href="#">97</a> (24 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">92</a> )). No. of Notices: 2. Notice Date 03/25/2015. (Admin.) (Entered: 03/26/2015)
03/25/2015	<a href="#">98</a> (3 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <a href="#">93</a> )). No. of Notices: 2. Notice Date 03/25/2015. (Admin.) (Entered: 03/26/2015)
04/01/2015	<a href="#">99</a> (6 pgs)	Notice of Appeal to District Court. . Fee Amount \$298.00 Filed by Nicholas A. Bayer, John Larson (related document (s) <a href="#">90</a> ). Appellant Designation due by 04/15/2015. Transmission of record on appeal to District Court Due Date:04/29/2015. (MOSSER, TODD) CC: Judge Frank, US District Court, M. Gigliotti, Esq., T. Mosser, Esq. R. Sweeney, Esq. P. Winterhalter, Esq. M. Kaliner, US Trustee. Modified on 4/2/2015 (P., Paul). (Entered: 04/01/2015)
04/01/2015		Receipt of Notice of Appeal(12-00379-elf) [appeal,ntcapl] ( 298.00) Filing Fee. Receipt number 16028709. Fee Amount \$ 298.00. (re: Doc# <a href="#">99</a> ) (U.S. Treasury) (Entered: 04/01/2015)
04/02/2015	100	Court's Certificate of Mailing. Number of notices: 6 to M. Gigliotti, Esq. T. Mosser, R. Sweeney, P. Winterhalter, M. Kaliner, US Trustee (related document(s) <a href="#">99</a> ). (P., Paul) (Entered: 04/02/2015)
04/02/2015	<a href="#">101</a> (4 pgs)	Transmission of Copy of Joint Notice to Appeal to District Court (related document(s) <a href="#">99</a> ). (P., Paul) (Entered: 04/02/2015)



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PACER Service Center			
Transaction Receipt			
04/07/2015 11:56:29			
<b>PACER Login:</b>	ks7143:4263202:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	12-00379-elf Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Format: html Page counts for documents: included
<b>Billable Pages:</b>	11	<b>Cost:</b>	1.10

EGS

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
ROBERT N.C. NIX BUILDING  
900 MARKET STREET  
SUITE 400  
PHILADELPHIA 19107-4299

Timothy B. McGrath  
Clerk

Telephone  
(215) 408-2800

April 2, 2015

Re: Nicholas Bayer

John Larson  
Greg Bayer  
Plaintiffs

Nicholas Bayer  
Defendant  
Bankruptcy No.: 12-11083ELF Adversary No. 12-379  
Civil Action No. \_\_\_\_\_

15

1789

Dear Mr Kunz:

We herewith transmit the following document(s) filed in the above matter(s), together with a certified copy of the docket entries:

- ☐ Certificate of appeal from order entered by the Honorable .  
Notice of appeal filing fee ☐paid ☐not paid
- ☐ Designation of Record on Appeal Filed
- ☐ Designation of Record on Appeal Not Filed
- ☐ Supplemental certificate of appeal.
- ☐ Motion for leave to appeal filed .  
☐ Answer to motion filed .
- ☐ Proposed findings of fact and conclusions of law entered by the Honorable .  
☐ Objections filed .
- ☐ Report and recommendation entered by the Honorable .  
☐ Objections filed .
- ☐ Original record transferred to the District Court pursuant to the order of the Honorable .
- ☒ Other: Copy of Joint Notice of Appeal

Kindly acknowledge receipt on the copy of the letter provided.

For the Court

Timothy B. McGrath  
Clerk

By: Paul A. Puskar  
Deputy Clerk

Received Above material or record file this 3<sup>rd</sup> day of April, 20 15 .  
Civil Action No. 15 1789 Signature: Steve Thomas

**APR - 3 2015**

Miscellaneous No. \_\_\_\_\_

Date: \_\_\_\_\_

Assigned to Judge \_\_\_\_\_

BFL5.frm(rev 2/15)

**APR - 3 2015**

**EGS**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**15 1789**DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.  
**\*\*BANKRUPTCY RECORD ON APPEAL\*\***

Address of Plaintiff: IN RE: 2020 Walnut Street, Apt 20-B  
 Post office: Phila, PA 19103 County: \_\_\_\_\_  
 Address of Defendant: \_\_\_\_\_  
 Post office: \_\_\_\_\_ County: \_\_\_\_\_  
 Place of incident, or transaction: \_\_\_\_\_  
 Post office: \_\_\_\_\_ County: \_\_\_\_\_

( Use Reverse Side for Additional Space)

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes in answered to any of the following questions:

- 1.) Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
- 2.) Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
- 3.) Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☐Yes ☐ No ☐Yes ☐ No ☐

CIVIL: (Place (X) in ONE CATEGORY ONLY)

## A. Federal Question Cases

- 1.) ☐ Indemnity Contract, Marine Contract, and all Other Contracts
- 2.) ☐ FELEA
- 3.) ☐ Jones Act-Personal Injury
- 4.) ☐ Antitrust
- 5.) ☐ Patent
- 6.) ☐ Labor-Management Relations
- 7.) ☐ Civil Rights
- 8.) ☐ Habeas Corpus
- 9.) ☐ Securities Act(s) Cases
- 10.) ☐ Social Security Review Cases (Please Specify)
- 11.) ☒ All other Federal Question Cases (Please specify)  
Bankruptcy Appeal

## B. Diversity Jurisdiction Cases:

- 1.) ☐ Insurance Contract and Other Contracts
- 2.) ☐ Airplane Personal Injury
- 3.) ☐ Assault, Defamation
- 4.) ☐ Marine Personal Injury
- 5.) ☐ Motor Vehicle Personal Injury
- 6.) ☐ Other Personal Injury (Please specify)
- 7.) ☐ Products Liability
- 8.) ☐ Products Liability - Asbestos
- 9.) ☐ All other Diversity Cases (Please Specify)

## ARBITRATION CERTIFICATION

I, \_\_\_\_\_, counsel of record do hereby certify pursuant to Local Civil Rule 8, Section 4(a)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney At Law☒ BANKRUPTCY APPEAL

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

Date: 4/3/15\_\_\_\_\_  
Attorney At LawSteve Tomas, Deputy Clerk**APR - 3 2015**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

In Re: Nicholas Bayer:

v.

CIVIL ACTION

15

1789

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

Date

4/3/15

Attorney-at-law

Steve Tomaso

Attorney for

Deputy Clerk

Telephone

FAX Number

E-Mail Address

APR - 3 2015